

BILL NO. 85-46

AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 85-46 (AS AMENDED)

Introduced by Council Members Risacher and Fielder and
Council President Hardwicke at the request of
the County Executive

Legislative Day No. 85-23 Date August 13, 1985

AN ACT to add new Article IV, heading, Personal Care Boarding
Homes, to Chapter 12, heading, Health, of the Harford
County Code, as amended, to provide for the licensing and
regulations of personal care boarding homes for adults;
to provide for the inspection of boarding homes; to
establish certain standards for boarding homes; to
provide for criminal and civil penalties for violation;
and to provide, generally, for personal care boarding
homes for adults.

By the Council, August 13, 1985

Introduced, read first time, ordered posted and public hearing scheduled

on: September 10, 1985

at: 6:30 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and notice of time and place
of hearing and title of Bill having been published according to the
Charter, a public hearing was held on September 10, 1985
and concluded on September 10, 1985.

Angela Markowski, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from
existing law. Underlining indicates language
added to Bill by amendment. Language lined
through indicates matter stricken out of Bill
by amendment.

BILL NO. 85-46

AS AMENDED

1 Section 1. *Be It Enacted by the County Council of Harford County,*
2 *Maryland,* that new Article IV, heading, Personal Care Boarding
3 Homes, be, and it is hereby added to Chapter 12, heading, Health,
4 of the Harford County Code, as amended, all to read as follows:

5 CHAPTER 12. HEALTH.

6 ARTICLE IV. PERSONAL CARE BOARDING HOMES.

7 SECTION 12-25. PURPOSE AND INTENT.

8 THE PURPOSE AND INTENT OF THIS ARTICLE IS TO SET FORTH
9 MINIMUM STANDARDS FOR THE PROVIDER, FACILITY, AND OPERATIONS OF ALL
10 PERSONAL CARE BOARDING HOMES FOR ADULTS IN PROVIDING FOR THE
11 HEALTH AND SAFETY OF THE OCCUPANTS OF A BOARDING HOME. THE
12 PROVISIONS OF THIS CODE SHALL APPLY UNIFORMLY TO INSURE PUBLIC
13 HEALTH AND SAFETY. THE COUNTY COUNCIL OF HARFORD COUNTY FINDS
14 THAT: THERE EXISTS IN HARFORD COUNTY CERTAIN PREMISES OPERATING AS
15 PERSONAL CARE BOARDING HOMES; AND THAT THESE TYPES OF PREMISES
16 PROVIDE FOOD, SHELTER, AND ASSISTANCE TO ADULTS, FOR CONSIDERATION,
17 WHO BECAUSE OF AGE, PHYSICAL OR MENTAL LIMITATIONS HAVE DIFFICULTY
18 WITH THESE DAILY LIVING ACTIVITIES AND ARE IN NEED OF SUCH SERVICES;
19 AND WHEREAS THESE PREMISES ARE ESSENTIAL IN THAT THEY OFFER AN
20 ALTERNATIVE LIVING TO INSTITUTIONAL FACILITIES AND RENDER AN
21 ATMOSPHERE OF FAMILY LIVING; AND THAT THESE PREMISES ARE NOT
22 REGULATED; AND THAT THERE HAVE BEEN REPORTS OF SUBSTANDARD
23 FACILITIES, POOR LIVING CONDITIONS, INADEQUATE OR NEGLECTED CARE
24 PROVIDED BY A SMALL PERCENTAGE OF THESE TYPES OF HOMES; AND THAT
25 THESE CONDITIONS ALTHOUGH RELATED TO A FEW PREMISES SHOULD BE
26 CORRECTED IN THAT THESE CORRECTIONS ARE ESSENTIAL TO THE HEALTH
27 AND SAFETY OF ADULTS; AND THAT THERE EXISTS A NEED TO LICENSE AND
28 AND REGULATE THESE TYPES OF PREMISES IN ORDER TO ASSURE, PROTECT,
29 AND PRESERVE THE HEALTH AND SAFETY OF ADULTS LIVING IN SUCH HOMES.

30 SECTION 12-26. DEFINITIONS.

31 FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING WORDS AND
32 PHRASES SHALL HAVE THE FOLLOWING MEANINGS:

1 (a) BOARD. THE HARFORD COUNTY BOARD OF HEALTH.

2 (b) HAZARDOUS CONDITION. A CONDITION OR CONDITIONS IN A
3 PERSONAL CARE BOARDING HOME FOR ADULTS WHICH THREATENS IMMEDIATE
4 DANGER TO HUMAN LIFE OR HEALTH.

5 (c) INSPECTOR. A STAFF PERSON FROM THE DEPARTMENT OF
6 INSPECTIONS, LICENSES, AND PERMITS, DEPARTMENT OF HEALTH, FIRE
7 MARSHAL, OR THE OFFICE ON AGING ASSIGNED TO INSPECT THE HOME
8 AND/OR REVIEW PROVIDER QUALIFICATIONS AND/OR OPERATING STANDARDS
9 IN ORDER TO ASSURE COMPLIANCE WITH THIS LAW.

10 ~~(d)~~ PERSONAL CARE BOARDING HOME FOR ADULTS "BOARDING HOME".
11 ANY PREMISES OPERATED FOR CONSIDERATION IN WHICH FOOD, SHELTER,
12 PERSONAL ASSISTANCE, OR SUPERVISION IS PROVIDED FOR AT LEAST THREE
13 AND A MAXIMUM OF FIFTEEN ADULTS NOT RELATED TO THE PROVIDER AND
14 WHO HAVE TEMPORARY OR PERIODIC DIFFICULTIES WITH ONE OR MORE
15 ESSENTIAL ACTIVITIES OF DAILY LIVING, SUCH AS FEEDING, BATHING,
16 GROOMING, DRESSING, OR TRANSFERRING.

17 (d) PERSONAL CARE. A SERVICE, PROVIDING FOOD, SHELTER, AND
18 ASSISTANCE WITH ONE OR MORE ESSENTIAL ACTIVITIES OF DAILY LIVING
19 SUCH AS FEEDING, BATHING, GROOMING, DRESSING, WALKING, OR
20 ADMINISTERING MEDICATION, AND/OR SUPERVISION WITH THESE ACTIVITIES.

21 (e) PERSONAL CARE BOARDING HOME FOR ADULTS "BOARDING HOME".
22 ANY PREMISES WHICH PROVIDES PERSONAL CARE TO ADULTS, FOR
23 CONSIDERATION, AND PROVIDING THESE SERVICES TO A MINIMUM OF THREE
24 AND A MAXIMUM OF FIFTEEN ADULTS, NOT RELATED TO THE PROVIDER OR
25 OWNER.

26 ~~(e)~~ (f) PROVIDER. ANY PERSON OR PERSONS WHO HAVE PRIMARY
27 RESPONSIBILITY FOR AND WHO RECEIVE CONSIDERATION FOR THE OPERATION
28 OF THE HOME.

29 ~~(f)~~ (g) RESIDENT. A PERSON, UNRELATED TO THE PROVIDER OR
30 OWNER OF THE HOME WHO RESIDES IN THE HOME IN RETURN FOR
31 CONSIDERATION, AND WHO MAY REQUIRE REQUIRES PERSONAL CARE SERVICES.
32 SECTION 12-27. LICENSE; REQUIREMENTS.

1 NO PERSON SHALL OPERATE A PERSONAL CARE BOARDING HOME FOR
2 ADULTS WITHOUT ACQUIRING A COUNTY LICENSE AND COMPLYING WITH THE
3 PROVISIONS OF THIS ARTICLE. THE PROVIDER, THE RESIDENCE, AND THE
4 OPERATION OF THE BOARDING HOME MUST MEET CERTAIN STANDARDS IN ORDER
5 TO OBTAIN AND MAINTAIN A COUNTY LICENSE.

6 SECTION 12-28. LICENSE; APPLICATION.

7 THE PROVIDER SHALL APPLY TO THE DEPARTMENT OF INSPECTIONS,
8 LICENSES, AND PERMITS FOR A LICENSE. UPON RECEIPT OF AN
9 APPLICATION FOR A BOARDING HOME LICENSE, THE DEPARTMENT OF
10 INSPECTIONS, LICENSES, AND PERMITS SHALL NOTIFY THE DEPARTMENT OF
11 HEALTH OF THE APPLICATION.

12 SECTION 12-29. LICENSE; ISSUE.

13 THE HEALTH DEPARTMENT SHALL BE RESPONSIBLE FOR COORDINATING
14 THE PROCESS OF REVIEW AND APPROVAL BY THE AGENCIES AND DEPARTMENTS
15 REQUIRED UNDER THIS LAW PRIOR TO THE ISSUANCE OF A LICENSE. THE
16 HEALTH DEPARTMENT SHALL NOTIFY THE DEPARTMENT OF INSPECTIONS,
17 LICENSES, AND PERMITS WHEN THE PROVIDER HAS MET ALL REQUIREMENTS
18 AT WHICH TIME THE DEPARTMENT OF INSPECTIONS, LICENSES, AND PERMITS
19 SHALL ISSUE A LICENSE TO THE PROVIDER.

20 SECTION 12-30. LICENSES; TERMS.

21 THE DEPARTMENT OF INSPECTIONS, LICENSES, AND PERMITS SHALL
22 ISSUE AN ANNUAL LICENSE FOR EACH BOARDING HOME PURSUANT TO THE
23 PROVISIONS OF THIS ARTICLE. NO LICENSE ISSUED UNDER THIS ARTICLE
24 SHALL BE TRANSFERABLE. IN THE EVENT THE PREMISES IS SOLD,
25 TRANSFERRED, OR IF THE LEASE TERMINATES, THE LICENSE ISSUED SHALL
26 AUTOMATICALLY BECOME VOID. AT THE TIME OF THE RENEWAL, THE
27 HEALTH DEPARTMENT SHALL CAUSE THE BOARDING HOME TO BE INSPECTED
28 AND FORWARD A RECOMMENDATION TO THE DEPARTMENT OF INSPECTIONS,
29 LICENSES, AND PERMITS FOR APPROVAL OR DENIAL OF THE LICENSE.

30 SECTION 12-31. LICENSE; FEES.

31 AN ANNUAL LICENSE FEE OF SIXTY DOLLARS (\$60.00) SHALL BE
32 CHARGED BY THE DEPARTMENT FOR EACH BOARDING HOME. THIS FEE SHALL

1 BE REQUIRED PRIOR TO THE ISSUANCE OF ANY LICENSE AS HEREIN PRO-
2 VIDED AND SHALL BE NON-REFUNDABLE. INCLUDED IN THE FIRST YEAR
3 PERMIT FEE SHALL BE THE COST OF OBTAINING USE AND OCCUPANCY AND
4 BUILDING PERMITS IF REQUIRED. CHANGES IN THIS FEE MAY BE MADE FROM
5 TIME TO TIME UPON BEING INCLUDED IN THE HARFORD COUNTY SCHEDULE OF
6 FEES.

7 SECTION 12-32. STANDARDS; PROVIDER, FACILITY, OPERATING.

8 (a) FOR THE PURPOSE OF THIS ARTICLE THE FOLLOWING STANDARDS
9 SHALL APPLY TO ALL PROVIDERS, THE FACILITY, AND OPERATIONS OF A
10 PERSONAL CARE BOARDING HOME FOR ADULTS:

11 (1) PROVIDERS STANDARDS.

12 IN ORDER TO BE LICENSED, A PROVIDER SHALL:

13 a. BE AT LEAST 18 YEARS OLD;

14 b. NEVER HAVE BEEN CONVICTED OF ANY CRIME

15 INVOLVING MORAL TURPITUDE; AND

16 c. BE IN GOOD PHYSICAL AND MENTAL HEALTH AND HAVE
17 A WRITTEN STATEMENT FROM A PHYSICIAN UPDATED EVERY TWO YEARS
18 STATING THAT THE PROVIDER IS PHYSICALLY AND MENTALLY CAPABLE OF
19 CARING FOR DISABLED ADULTS.

20 REQUIREMENTS a. THROUGH c. SHALL ALSO APPLY TO ANY PAID FULL
21 AND PART-TIME EMPLOYEES OR VOLUNTEERS RECRUITED BY THE PROVIDER
22 TO OPERATE OR ASSIST IN THE OPERATION OF THE PERSONAL CARE
23 BOARDING HOME.

24 (2) FACILITY STANDARDS.

25 THE PERSONAL CARE BOARDING HOME MUST MEET THE
26 FOLLOWING STANDARDS TO BE LICENSES:

27 a. FIRE SAFETY: THE HOME SHALL MEET THE APPLICABLE
28 REQUIREMENTS OF THE STATE FIRE CODE COVERING LODGING OR ROOMING
29 HOUSES. THE PROVIDER SHALL OBTAIN A RECENT INSPECTION REPORT FROM
30 THE STATE FIRE MARSHAL INDICATING THAT THE HOME MEETS THESE
31 REQUIREMENTS BEFORE OBTAINING A LICENSE UNDER THIS LAW.
32

1 THE PROVIDER MUST MAINTAIN COMPLIANCE WITH THE CODE AS PER
2 PERIODIC INSPECTIONS BY THE STATE FIRE MARSHAL. ALL INSPECTION
3 REPORTS SHALL BE READILY AVAILABLE TO RESIDENTS AND THEIR
4 REPRESENTATIVES.

5 b. ZONING AND BUILDING CODE: ALL ZONING AND
6 BUILDING CODE REQUIREMENTS SHALL BE MET, AND THE PROVIDER SHALL
7 HAVE THE REQUIRED APPROVALS, PERMITS, AND VARIANCES WITH PROPER
8 DOCUMENTATION.

9 c. SANITARY FACILITIES: THE HOME SHALL HAVE AT
10 LEAST ONE BATHROOM IN THE HOME FOR EVERY SIX RESIDENTS. THE
11 BATHROOM MUST BE LOCATED IN A SEPARATE ROOM AND HAVE A FLUSH
12 TOILET, AND A FIXED BASIN WITH A SINK TRAP AND HOT AND COLD
13 RUNNING WATER. THE HOME SHALL HAVE A SHOWER OR TUB WITH HOT AND
14 COLD RUNNING WATER. THE HOME MUST USE AN APPROVED PUBLIC OR
15 PRIVATE WASTE DISPOSAL SYSTEM, INCLUDING A LOCALLY APPROVED
16 ON-SITE SEWAGE SYSTEM. ALL SANITARY FACILITIES SHALL, AT ALL
17 TIMES, BE KEPT IN PROPER OPERATING CONDITION AND FREE OF ANY
18 HAZARDOUS CONDITION.

19 d. FOOD PREPARATION AND DISPOSAL: THE HOME MUST
20 HAVE COOKING EQUIPMENT AND REFRIGERATOR OF APPROPRIATE SIZE FOR
21 THE NUMBER OF RESIDENTS IN THE HOME. THE HOME MUST HAVE A KITCHEN
22 SINK WITH A SINK TRAP AND HOT AND COLD RUNNING WATER WHICH DRAINS
23 INTO AN APPROVED PUBLIC OR PRIVATE SYSTEM. ALL FOOD PREPARATION
24 AND DISPOSAL EQUIPMENT SHALL, AT ALL TIMES, BE KEPT IN PROPER
25 OPERATING CONDITION AND SHALL BE FREE OF ANY HAZARDOUS CONDITION.

26 e. TEMPERATURE AND HEATING EQUIPMENT: THE
27 TEMPERATURE IN ROOMS USED BY RESIDENTS SHALL BE MAINTAINED AT NOT
28 LESS THAN 65 DEGREES. THE HOME SHALL CONTAIN A SAFE AND ADEQUATE
29 HEATING SYSTEM. THE HOME SHALL NOT CONTAIN UNVENTED ROOM HEATERS
30 WHICH BURN GAS, OIL, OR KEROSENE. UL LISTED ELECTRICAL HEATERS
31 ARE ACCEPTABLE AS A PRIMARY SOURCE OF HEAT. ALL HEATING EQUIPMENT
32 SHALL, AT ALL TIMES, BE KEPT IN PROPER OPERATING CONDITION AND

1 FREE OF ANY HAZARDOUS CONDITION. FLUES SHALL BE CLEANED AT LEAST
2 ONCE A YEAR. ALL ROOMS IN A HOME USED BY THE RESIDENTS SHALL BE
3 ADEQUATELY VENTILATED. VENTILATION MEANS THE REPLACEMENT OF
4 STAGNANT ROOM AIR BY FRESH AIR WHETHER WARM OR COOL DEPENDING ON
5 THE SEASON OF YEAR. THE SOURCE OF VENTILATION MAY BE BY SUCH MEANS
6 AS A FAN OR OTHER SIMILAR DEVICE OR BY OPEN WINDOW WHEN PRACTICAL.

7 f. LIGHTING AND ELECTRICITY: ALL BATHROOMS AND
8 THE KITCHEN SHALL HAVE A PERMANENT CEILING OR WALL-TYPE FIXTURE
9 IN WORKING CONDITION. ELECTRICAL SERVICE ENTRANCE EQUIPMENT MUST
10 BE ADEQUATE TO SUPPLY REQUIRED ELECTRICAL LOADS. ALL LIGHTING AND
11 ELECTRICAL EQUIPMENT SHALL BE KEPT IN PROPER OPERATING CONDITION
12 AND FREE OF HAZARDOUS CONDITIONS AT ALL TIMES.

13 g. STRUCTURE AND MATERIALS: THE INTERIOR AND
14 EXTERIOR STRUCTURE OF THE HOME AND THE MATERIALS USED IN ITS
15 CONSTRUCTION SHALL NOT PRESENT ANY HAZARDOUS CONDITIONS FOR THE
16 HEALTH AND SAFETY OF THE RESIDENTS. EXAMPLES OF HAZARDOUS
17 CONDITIONS ARE AS FOLLOWS.

18 1. SEVERE BULGING, LEANING, BUCKLING,
19 SAGGING, LARGE HOLES, OR ROOF LEAKS.

20 2. DEFECTIVE STAIRWAYS, HALLS, PORCHES,
21 WALKWAYS, ETC., WHICH PRESENT A DANGER OF TRIPPING AND FALLING.
22 BROKEN AND MISSING STEPS ARE EXAMPLES OF SUCH DEFECTS. ALL
23 STAIRWAYS AT ENTRANCES OR EXITS TO THE HOME SHALL BE EQUIPPED
24 WITH HANDRAILS.

25 h. LEAD-BASED PAINT: IN ACCORDANCE WITH THE
26 HEALTH AND ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF
27 MARYLAND, AS AMENDED FROM TIME TO TIME, LEAD-BASED PAINT SHALL
28 NOT BE USED:

29 1. ON ANY INTERIOR SURFACE.

30 2. ON ANY EXTERIOR SURFACE TO WHICH
31 CHILDREN ARE COMMONLY EXPOSED.

1 3. ON ANY PORCH OF THE HOME.

2 4. ON ANY ARTICLE THAT IS INTENDED FOR
3 HOUSEHOLD USE IN THE HOME EXCEPT FOR LEAD-BASED PAINT THAT IS
4 APPLIED TO A HOUSEHOLD APPLIANCE.

5 i. PLUMBING SYSTEMS AND APPLIANCES: THE HOME
6 MUST BE SERVED BY AN APPROVED PUBLIC OR PRIVATE WATER SUPPLY
7 WHICH IS SANITARY AND FREE FROM BACTERIOLOGICAL OR CHEMICAL
8 CONTAMINATION. ALL WATER SYSTEMS AND APPLIANCES SHALL BE KEPT IN
9 PROPER OPERATING CONDITION AND BE FREE OF ANY HAZARDOUS
10 CONDITION. SEWAGE AND WASTE SYSTEMS MUST BE FREE OF BROKEN PIPES,
11 IMPROPERLY SEALED JOINTS, AND OTHER DEFECTS THAT THREATEN HEALTH
12 AND SAFETY.

13 j. SANITARY CONDITIONS: ROOMS IN THE HOME USED
14 BY THE RESIDENTS MUST BE FREE OF VERMIN AND RODENT INFESTATION.
15 THE HOME SHALL BE FREE FROM ACCUMULATIONS OF TRASH OR DEBRIS
16 WHICH COULD PRESENT A HAZARD TO THE HEALTH OR SAFETY OF THE
17 RESIDENTS.

18 (b) FOR A HOME TO BE LICENSED, THE PROVIDER MUST RECEIVE A
19 WRITTEN STATEMENT FROM THE COUNTY HEALTH DEPARTMENT CERTIFYING
20 SHALL CERTIFY THAT IT HAS INSPECTED THE HOME AND THAT THE HOME
21 MEETS THE STANDARDS a. THROUGH j. AS SET FORTH ABOVE. THE HEALTH
22 DEPARTMENT MAY, AS NEEDED, REQUIRE ADDITIONAL INSPECTION BY THE
23 COUNTY DEPARTMENT OF INSPECTIONS, LICENSES, AND PERMITS BEFORE
24 ISSUING ITS APPROVAL.

25 (c) FOR THE PURPOSE OF THIS ARTICLE, ALL MAINTENANCE,
26 RENOVATIONS, BUILDING MATERIALS, PLUMBING AND ELECTRICAL
27 MATERIALS, AND INSTALLATIONS SHALL BE GOVERNED BY THE SPECIFIC
28 BUILDING CODES AS PROVIDED FOR IN THE HARFORD COUNTY CODE.

29 (d) CORRECTION OF VIOLATIONS SHALL BE IN ACCORDANCE WITH
30 APPLICABLE BUILDING, PLUMBING, ELECTRICAL AND LIFE-SAFETY CODES.

31 (e) IN ANY CASE WHERE PROVISIONS OF THIS CODE AFFECT THE SAME
32 SUBJECT MATTER AS AN EXISTING CONFLICT WITH ANY PROVISION OF ANY

1 FEDERAL OR STATE BUILDING, PLUMBING, ELECTRICAL, FIRE OR SAFETY
2 CODE, OR REGULATION THE APPLICABLE PROVISIONS AFFECTED SHALL BE
3 CONSTRUED SO AS TO GIVE EFFECT TO EACH, PROVIDED, HOWEVER, THAT IF
4 SUCH PROVISIONS ARE FOUND TO BE IRRECONCILABLE, THEN THE PROVISIONS
5 WHICH ESTABLISH THE HIGHER STANDARD FOR THE PROMOTION AND
6 PROTECTION OF THE PUBLIC HEALTH AND SAFETY SHALL PREVAIL.

7 (3) OPERATING STANDARDS:

8 THE PERSONAL CARE BOARDING HOME MUST MEET THE
9 FOLLOWING OPERATING STANDARDS TO BE LICENSED UNDER THIS LAW:

10 a. PRIOR TO ADMISSION, THE PROVIDER AND THE
11 RESIDENT SHALL SIGN A WRITTEN AGREEMENT SPECIFYING AT A MINIMUM:

12 1. THE MONTHLY OR OTHER PERIODIC CHARGE
13 FOR FOOD, SHELTER, AND SERVICES, AND HOW, WHEN, AND BY WHOM
14 PAYMENT IS TO BE MADE.

15 2. CLEAR DELINEATION OF WHAT SERVICES ARE TO
16 BE PROVIDED IN ADDITION TO FOOD AND SHELTER, AND SPECIFICATION OF
17 WHO IS TO PROVIDE THE SERVICES AND HOW OFTEN. EXAMPLES OF SUCH
18 SERVICES INCLUDE PERSONAL CARE SERVICES, CHORE SERVICES,
19 TRANSPORTATION, AND PURCHASING AND ADMINISTERING MEDICATION.

20 3. THE CONDITIONS UNDER WHICH REFUNDS WILL
21 BE MADE.

22 4. ANY RULES THE PROVIDER MAY IMPOSE IN
23 OPERATION OF THE HOME.

24 5. CONDITIONS UNDER WHICH THE AGREEMENT MAY
25 BE TERMINATED.

26 6. PROVISION FOR PROMPT REPORTING OF
27 ILLNESSES AND INCIDENTS AND DESIGNATION OF TO WHOM THEY ARE
28 TO BE REPORTED.

29 [i] THE PROVIDER SHALL REVIEW AND
30 EXPLAIN THE CONTENTS OF THE AGREEMENT TO THE RESIDENT. THE
31 PROVIDER SHALL HAVE OBTAINED ALL NECESSARY LICENSES AND PERMITS
32 TO PROVIDE THE SERVICES SPECIFIED IN THE AGREEMENT.

1 b. STAFFING: THE PROVIDER, OR AT LEAST ONE
2 EMPLOYEE, SHALL BE IN THE HOME AT ALL HOURS WHEN ONE OR MORE
3 RESIDENTS REQUIRING SUPERVISION ARE PRESENT IN THE HOME.

4 c. FOOD SERVICES: RESIDENTS SHALL BE SERVED AT
5 LEAST THREE WELL BALANCED NUTRITIOUS MEALS, OR THEIR
6 EQUIVALENT, DAILY CONSISTING OF FOODS RECOMMENDED BY THE U.S.D.A.
7 FOR PROPER DIET. THERE SHALL BE NO MORE THAN FIFTEEN (15)
8 HOURS BETWEEN THE EVENING MEAL AND THE FIRST MEAL OF THE NEXT
9 DAY, EXCEPT IN THE CASE OF A RESIDENT WHOSE PHYSICIAN HAS
10 PRESCRIBED OTHERWISE. DIETARY RESTRICTIONS WHICH ARE PRESCRIBED
11 BY THE RESIDENT'S PHYSICIAN SHALL BE ADHERED TO.

12 d. ACCESS: THE PROVIDER SHALL PERMIT MEMBERS OF
13 A RESIDENT'S FAMILY, THE RESIDENT'S FRIENDS, AND REPRESENTATIVES
14 OF SOCIAL SERVICE AND HEALTH ORGANIZATIONS (INCLUDING PRIVATE
15 ORGANIZATIONS AND CHURCHES) TO HAVE ACCESS TO THE HOME DURING THE
16 HOME'S VISITING HOURS, OR BY APPOINTMENT, FOR THE PURPOSE OF
17 VISITING OR RENDERING ASSISTANCE TO A RESIDENT AND/OR INFORMING
18 THE RESIDENT OF THE AVAILABILITY OF SERVICES AND ASSISTANCE.
19 SOCIAL SERVICES OR HEALTH PROFESSIONALS WILL BE PERMITTED ACCESS
20 AT ANY TIME IN CASES OF EMERGENCY.

21 e. INSPECTIONS: THE HOME SHALL BE OPEN FOR
22 PERIODIC INSPECTIONS BY THE DEPARTMENT OF INSPECTIONS, LICENSES,
23 AND PERMITS, THE DEPARTMENT OF HEALTH, THE OFFICE ON AGING,
24 AND FIRE MARSHAL, TO ASSURE COMPLIANCE WITH THIS LAW. THE HEALTH
25 DEPARTMENT AND/OR THE OFFICE ON AGING SHALL NOTIFY THE DEPARTMENT
26 OF INSPECTIONS, LICENSES, AND PERMITS OF POSSIBLE VIOLATIONS OF
27 THE FACILITY STANDARDS DELINEATED IN THIS ARTICLE ARE OBSERVED.

28 f. TELEPHONE: THE HOME SHALL HAVE A TELEPHONE
29 TO WHICH THE RESIDENT SHALL HAVE ACCESS. TERMS FOR PAYMENT OF
30 PHONE BILL SHALL BE INCLUDED IN THE AGREEMENT BETWEEN THE
31 PROVIDER AND RESIDENT.
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1 g. BEDROOMS: EACH RESIDENT SHALL BE PROVIDED
2 WITH AT LEAST THE ITEMS LISTED BELOW, WHICH ITEMS SHALL BE CLEAN
3 AND MAINTAINED IN GOOD REPAIR:

4 1. SINGLE OR DOUBLE BED WITH MATTRESS AND
5 FIRM SPRING.

6 2. BED PILLOW.

7 3. BED LINENS AND BLANKETS.

8 4. TOWELS AND WASHCLOTHS.

9 h. RECORDS: THE PROVIDER SHALL MAINTAIN A
10 WRITTEN CENSUS OF RESIDENTS TO BE UPDATED AT LEAST MONTHLY AND
11 TO BE AVAILABLE FOR REVIEW BY STAFF OF THE HEALTH DEPARTMENT
12 AND THE OFFICE ON AGING. THE PROVIDER SHALL MAINTAIN WRITTEN
13 RECORDS ON EACH RESIDENT TO INCLUDE AT A MINIMUM:

14 1. THE RESIDENT'S NAME.

15 2. A COPY OF THE PROVIDER-RESIDENT AGREEMENT.

16 3. THE RESIDENT'S DATE OF BIRTH.

17 4. NAME OF THE RESIDENT'S PHYSICIAN AND
18 PHONE NUMBER.

19 5. UPDATED LIST OF THE RESIDENT'S MEDICATIONS.

20 6. INFORMATION ON SPECIAL DIETS AND ALLERGIES.

21 7. FAMILY CONTACT PERSON.

22 i. MEDICATIONS: EACH MEDICATION PRESCRIBED FOR
23 EACH RESIDENT SHALL BE KEPT IN A SEPARATE CONTAINER WITH FULL
24 RESIDENT IDENTIFICATION AND DIRECTIONS FOR ADMINISTERING.

25 (f) TO RECEIVE AND MAINTAIN A LICENSE PURSUANT TO THE
26 PROVISIONS OF THIS ARTICLE, THE PROVIDER SHALL ANNUALLY RECEIVE
27 CERTIFICATION FROM THE COUNTY HEALTH DEPARTMENT THAT STANDARDS

28 a. THROUGH i. OF THE OPERATING STANDARDS ARE BEING MET.
29 CERTIFICATION SHALL BE BASED ON AN ON-SITE INSPECTION BY STAFF
30 OF THE COUNTY HEALTH DEPARTMENT AND THE COUNTY OFFICE ON AGING.
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1 (g) THE COUNTY OFFICE ON AGING SHALL BE RESPONSIBLE FOR
2 COORDINATING THE REVIEW PROCESS BY COUNTY AGENCIES OF HOMES
3 SEEKING CERTIFICATION AS SHELTERED HOUSING FACILITIES UNDER
4 ARTICLE 70B, SECTION 1, OF THE MARYLAND CODE. ALL PROVISIONS OF
5 THIS LAW MUST BE MET BEFORE THE COUNTY RECOMMENDS A HOME TO THE
6 STATE OFFICE ON AGING FOR CERTIFICATION UNDER ARTICLE 70B,
7 SECTION 1.

8 (h) ANY PERSONAL CARE BOARDING HOME LICENSED OR REGULATED
9 BY ANY STATE OR FEDERAL AGENCY, AND WHICH IS SUBJECT TO THE
10 PROVISIONS OF THIS ARTICLE, THE HEALTH OFFICER SHALL ARRANGE AND
11 COORDINATE WITH THE AGENCY A DATE AND TIME WHEREIN THERE SHALL BE
12 A JOINT INSPECTION OF THE HOME.

13 (i) IN THE INTEREST OF PROVIDING FOR AN EFFECTIVE PERSONAL
14 CARE BOARDING HOME LAW, THE HEALTH OFFICER, AFTER ONE YEAR FROM
15 THE EFFECTIVE DATE OF THIS ACT, SHALL SCHEDULE AN OPEN PUBLIC
16 HEARING WITH PROVIDERS, RESIDENTS, AND REPRESENTATIVES FROM COUNTY,
17 STATE, AND FEDERAL AGENCIES INVOLVED IN LICENSING AND REGULATING
18 PERSONAL CARE BOARDING HOMES IN HARFORD COUNTY AND ANY INTERESTED
19 CITIZEN, FOR THE PURPOSE OF DISCUSSING ANY RULE, REGULATION, OR
20 PROVISION OF THIS LAW. ANY RECOMMENDATION MADE AT THIS HEARING
21 SHALL BE FORWARDED TO THE COUNTY EXECUTIVE AND COUNTY COUNCIL FOR
22 THEIR CONSIDERATION. THE OPEN PUBLIC HEARING SHALL BE SCHEDULED
23 IN ACCORDANCE WITH STATE LAW AS TO ADVERTISING, ETC.

24 SECTION 12-33. OMBUDSMAN PROGRAM.

25 THE HARFORD COUNTY OMBUDSMAN PROGRAM SHALL, UPON REQUEST BY
26 A RESIDENT, OR THE RESIDENT'S FAMILY OR REPRESENTATIVE, SEEK TO
27 RESOLVE ANY DISPUTE OR GRIEVANCE ARISING BETWEEN THE RESIDENT AND
28 THE PROVIDER. THE OMBUDSMAN SHALL HAVE ACCESS TO ANY RESIDENT
29 RECORDS MAINTAINED BY THE PROVIDER, INCLUDING THE PROVIDER-
30 RESIDENT AGREEMENT, IF AUTHORIZED BY THE RESIDENT, THE RESIDENT'S
31 FAMILY, OR THE RESIDENT'S REPRESENTATIVE. INFORMATION ABOUT THE
32 OMBUDSMAN PROGRAM, INCLUDING PHONE NUMBER, SHALL BE POSTED IN A

AS AMENDED

1 CONSPICUOUS LOCATION IN THE HOME.

2 SECTION 12-34. LICENSE; DENIAL, REVOCATION, VOID.

3 (a) THE DIRECTOR OF THE DEPARTMENT OF INSPECTIONS, LICENSES,
4 AND PERMITS SHALL HAVE THE AUTHORITY TO DENY, REVOKE, OR VOID A
5 LICENSE IN THE EVENT OF:

6 (1) THE PROVIDER:

7 a. FALSIFIES ANY STATEMENT ON AN APPLICATION;

8 b. FALSIFIES ANY REPORT;

9 c. IS CONVICTED OF A CRIME OF MORAL TURPITUDE;

10 d. IS UNDER AGE 18;

11 e. IS NOT PHYSICALLY OR MENTALLY CAPABLE OF

12 OPERATING A BOARDING HOME;

13 f. FAILS TO TAKE CORRECTIVE ACTION ON ANY ORDER
14 ISSUED BY THE COUNTY;

15 g. a. VIOLATES ANY PROVISIONS OF THIS ARTICLE OR
16 ANY RULE OR REGULATION.

17 (2) THE FACILITY:

18 a. DOES NOT MEET THE STANDARDS AS PROVIDED HEREIN;

19 b. IS SOLD, TRANSFERRED, OR IF THE LEASE
20 TERMINATES.

21 (3) THE OPERATION OF THE FACILITY:

22 a. STANDARDS ARE NOT BEING COMPLIED WITH.

23 (b) ANY PROVIDER OR APPLICANT WHOSE LICENSE HAS BEEN DENIED,
24 REVOKED, OR VOIDED SHALL BE ENTITLED TO AN ADMINISTRATIVE REVIEW
25 AS PROVIDED FOR IN CHAPTER I OF THE HARFORD COUNTY CODE, AS
26 AMENDED.

27 SECTION 12-35. BOARD; EMERGENCY MEETING.

28 IN THE EVENT A VIOLATION OF THIS ARTICLE OR ANY RULE OR
29 REGULATION IS SERIOUS AND PRESENTS AN IMMEDIATE DANGER TO THE
30 HEALTH OR SAFETY OF ANY RESIDENT, THE HEALTH DEPARTMENT SHALL
31 TAKE SUCH ACTION AS NECESSARY TO ABATE THE PROBLEM.

32 SECTION 12-36. VIOLATION; ENFORCEMENT AND PENALTIES.

1 (a) WHENEVER AN INSPECTOR ~~DETERMINES~~ ALLEGES THAT THERE HAS
2 BEEN ~~A AN ALLEGED~~ VIOLATION OF ANY PROVISIONS OF THIS ARTICLE OR
3 OF ANY RULE AND REGULATION ADOPTED PURSUANT TO IT, THE INSPECTOR
4 SHALL ~~NOTIFY~~ REPORT HIS FINDINGS TO THE DEPARTMENT WHO SHALL
5 REVIEW THE FINDINGS AND DETERMINE IF A VIOLATION EXISTS, AT WHICH
6 TIME THE DEPARTMENT SHALL GIVE NOTICE OF SUCH ~~ALLEGED~~ THE
7 VIOLATION TO THE PROVIDER OR THE AGENT OF THE PROVIDER. SUCH
8 NOTICE SHALL: (1) BE WRITTEN; (2) SET FORTH THE CHARACTER OF THE
9 VIOLATION AND THE REFERENCE TO THE APPLICABLE PROVISIONS OF THIS
10 ARTICLE; (3) STATE THE TIME PERIOD FOR WHICH REMEDIAL ACTION IS TO
11 BE TAKEN; AND (4) BE SERVED ON THE PROVIDER OR AGENT, AS THE CASE
12 MAY REQUIRE. SUCH NOTICE SHALL BE DEEMED TO BE PROPERLY SERVED
13 UPON THE PROVIDER, OR AGENT, IF A COPY IS SERVED UPON THE
14 INDIVIDUAL PERSONALLY, OR IF A COPY THEREOF IS DELIVERED TO THE
15 INDIVIDUAL'S REGULAR BUSINESS OFFICE, OR IF A COPY IS SENT TO THE
16 INDIVIDUAL BY REGISTERED OR CERTIFIED MAIL.

17 (b) ADMINISTRATIVE REVIEW OF VIOLATION NOTICE. ANY
18 PROVIDER, OR AGENT, WHO SHALL RECEIVE A NOTICE OR ORDER WHICH HAS
19 BEEN ISSUED IN CONJUNCTION WITH THE ENFORCEMENT OF ANY PROVISIONS
20 OF THIS ARTICLE OR OF ANY RULE OR REGULATION ADOPTED PURSUANT TO
21 IT, MAY REQUEST A REVIEW WITH THE BOARD WITHIN FIFTEEN (15) DAYS
22 AFTER THE RECEIPT OF THE VIOLATION NOTICE. THE BOARD SHALL
23 SCHEDULE A REVIEW WITHIN A REASONABLE TIME AFTER THE REQUEST AND
24 NOTIFY THE PROVIDER, OR AGENT, BY CERTIFIED MAIL, RETURN RECEIPT
25 REQUESTED, OF THE DATE, TIME, AND PLACE FOR THE REVIEW. NOTHING
26 IN THIS ARTICLE SHALL BE CONSTRUED TO INTERFERE WITH, SUPPLEMENT,
27 OR NEGATE ANY ADMINISTRATIVE APPEAL PROCESS AVAILABLE TO ANY
28 PERSON AS ESTABLISHED BY STATE OR FEDERAL LAW OR REGULATION. THE
29 FINDINGS OF ANY STATE OR FEDERAL ADMINISTRATIVE APPEAL BOARD OR
30 COMMISSION SHALL BE FINAL AND SHALL NOT BE SUBJECT TO THE APPEAL
31 PROCESS AS ESTABLISHED BY THIS ARTICLE.

32 (c) ENFORCEMENT. THE COUNTY MAY FILE A PETITION FOR

1 INJUNCTION IN THE DISTRICT COURT FOR HARFORD COUNTY FOR
2 ENFORCEMENT OF THIS ARTICLE.

3 (d) PENALTIES.

4 (1) CRIMINAL. AN INDIVIDUAL, FIRM, PARTNERSHIP,
5 CORPORATION, COMPANY, ASSOCIATION, PERSONAL REPRESENTATIVE,
6 TRUSTEE, OR RECEIVER VIOLATING ANY PROVISIONS OF THIS ARTICLE IS
7 GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF SHALL BE FINED
8 NOT LESS THAN FIFTY DOLLARS (\$50.00), NOR MORE THAN ONE THOUSAND
9 DOLLARS (\$1,000.00), OR IMPRISONMENT FOR NOT MORE THAN SIX (6)
10 MONTHS, OR BOTH FINE AND IMPRISONMENT AT THE DISCRETION OF THE
11 COURT. EACH DAY ANY VIOLATION OF ANY PROVISION OF THIS ARTICLE OR
12 ANY RULE OR REGULATION PROMULGATED THERETO SHALL CONSTITUTE A
13 SEPARATE OFFENSE FOR WHICH THE CRIMINAL PENALTY MAY BE IMPOSED.

14 (2) CIVIL. ANY PERSON VIOLATING ANY PROVISION OF
15 THIS ARTICLE MAY BE SUBJECT TO A CIVIL FINE NOT EXCEEDING FIFTY
16 DOLLARS (\$50.00), AND EACH DAY ANY VIOLATION OF ANY PROVISION OF
17 THIS ARTICLE OR ANY RULE OR REGULATION PROMULGATED THERETO
18 SHALL CONSTITUTE A SEPARATE OFFENSE FOR WHICH THE CIVIL PENALTY
19 MAY BE IMPOSED.

20 SECTION 2. BE IT FURTHER ENACTED THAT BOARDING HOMES LOCATED IN
21 HARFORD COUNTY, EXISTING AS OF THE INTRODUCTION DATE OF THIS ACT,
22 SHALL HAVE ONE HUNDRED EIGHTY (180) CALENDAR DAYS BEGINNING FROM
23 THE DATE THIS ACT BECOMES LAW, TO COMPLY WITH THE TERMS AND
24 PROVISIONS OF THIS ARTICLE.

25 Section 2- 3. *Be It Further Enacted* that the terms and provisions
26 of this Article shall not apply to any incorporated town, city,
27 or municipality located in Harford County.

28 Section 3- 4. *And Be It Further Enacted* that this Act shall take
29 effect sixty (60) calendar days from the date it becomes law.

30 EFFECTIVE: December 9, 1985

85-46

BY THE COUNCIL

AS AMENDED

BILL NO. 85-46 (AS AMENDED)

Read the third time.

Passed LSD 85-28 (October 3, 1985) (with amendments)

Failed of Passage _____

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 9th day of October, 1985
at 3:00 o'clock P.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

[Signature]
County Executive

Date 10-10-85

BY THE COUNCIL

This Bill (No. 35-46, as amended), having been approved by
the Executive and returned to the Council, becomes law on
October 10, 1985.

Angela Markowski, Secretary

EFFECTIVE DATE: December 9, 1985

85-46

AS AMENDED